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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

13 In re:

14 STEVE HERBERT HOFSAESS,
15 Debtor.

Case No: 2:13-cv-01161-RCJ

Appeal Reference No. 13-22

16 STEVE HERBERT HOFSAESS AND
17 CHRISTOPHER G. GELLNER, ESQ.,
18 Appellants,

Bankruptcy Case No. 2:08-bk-023761-btb
Chapter 11

19 v.

20 THE UNITED STATES TRUSTEE,
21 Appellee.

22 **JOINT MOTION TO DISMISS**

23 Pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1)(A)(ii), and Federal Rules
24 of Appellate Procedure, Rule 42(a), the United States Trustee, Steve Herbert Hofsaess and
25 Christopher G. Gellner, Esq. (the "Parties") stipulate to dismissal and respectfully request that
26 this honorable Court enter an order dismissing the above referenced appeal.

1 On March 14, 2014, this Court entered an order remanding this case back to the
2 bankruptcy court to consider the settlement attached thereto. [See Docket No. 34.]

3 On March 27, 2014, the bankruptcy court entered an order approving the settlement.
4 [See *In re Hofsaess*, Case No. 2:08-bk-023761-btb, Docket No. 337.]

5 Pursuant to paragraph 1(a) of the settlement, Christopher G. Gellner, Esq. had his
6 electronic filing rights in bankruptcy court restored and filed the required proof he took four
7 hours of continuing legal education in ethics. [See *In re Hofsaess*, Case No. 2:08-bk-023761-
8 btb, Docket No. 329.]

9 Pursuant to paragraph 1(b) of the settlement, the registry funds were released to Steve
10 Herbert Hofsaess. [See *In re Hofsaess*, Case No. 2:08-bk-023761-btb, Docket No. 369.]

11 Pursuant to paragraphs 1(d) and (e) of the settlement, the United States timely filed a
12 motion requesting modification of the confirmed plan of reorganization (the "Motion"). [See
13 *In re Hofsaess*, Case No. 2:08-bk-023761-btb, Docket No. 350.]

14 The Motion was granted and Steve Herbert Hofsaess subsequently filed an affidavit
15 averring he had made distributions from the registry funds pursuant to the Motion. [See *In re*
16 *Hofsaess*, Case No. 2:08-bk-023761-btb, Docket Nos. 365 & 384.]

17 Pursuant to paragraph 4(b) of the settlement, the Parties now jointly request dismissal
18 of the above referenced appeal.

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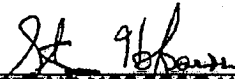
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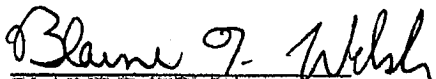
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1 Accordingly, the Parties stipulate to dismissal and respectfully request that an order be
2 issued dismissing the above referenced appeal, with each party to bear its own costs and
3 attorneys' fees.

4 Respectfully submitted this 12th day of February 2015.

5 DANIEL G. BOGDEN
6 United States Attorney

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8 STEVE HERBERT HOFSAESS
Appellant

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10 BLAINE T. WELSH
Assistant United States Attorney
Attorneys for Appellee

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12 CHRISTOPHER G. GELLNER
Appellant

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17 IT IS SO ORDERED:

18 
19 UNITED STATES DISTRICT JUDGE

20 DATED: 19 February 19, 2015
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